

## **Resolution No. 2007-01**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING THE LUNDBAR HILLS SUBDIVISION, UNIT NO. 6 VESTING TENTATIVE TRACT MAP**

**WHEREAS**, Fred H. Lundblade, Jr, and C. Robert & Patricia B. Barnum are the property owners, hereinafter called Subdivider, submitted an application to the City of Eureka for the approval of a vesting tentative tract map for of the Lundbar Hills Subdivision, Unit No. 6, that will create 56 residential lots; and

**WHEREAS**, the Subdivider requested approval from the Planning Commission of said Lundbar Hills Subdivision, Unit No. 6, which also includes approval of a conditional use permit for timber harvest and a variance to allow Lot 170 to have a reduced lot depth; and

**WHEREAS**, the Lundbar Hills Subdivision, Unit No. 6 is located at APN 301-031-039; and

**WHEREAS**, the Planning Commission of the City of Eureka did hold a public hearing at City Hall in the City of Eureka on January 8, 2007, at 5:30 p.m., in the Council Chamber to receive public comment on and to inspect, investigate and review said Lundbar Hills Subdivision, Unit No. 6; and

**WHEREAS**, the Planning Commission of the City of Eureka did open a public hearing to receive public testimony and did inspect, investigate and review said Lundbar Hills Subdivision, Unit No. 6 in accordance with the Subdivision Map Act (CGC 66410 et. seq.) and Title 15 of the Eureka Municipal Code and all other applicable ordinances, laws and regulations, and

**WHEREAS**, after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; and, the evidence submitted with the permit application, the Planning Commission does hereby find and determine the following facts:

1. The project site is approximately 19 acres located adjacent to and east of the existing Lundbar Hills and Lundbar Hills Southwood Subdivisions.
2. The project requires approval of a vesting tentative final map subdivision, variance conditional use permit and lot line adjustment. The assigned case numbers are: SD-03-003; V-03-013; C-06-008; and, LLA-03-003
3. The proposal is a "project" as defined by the California Environmental Quality Act (CEQA), and is subject to the provisions of the Act. Staff prepared an initial

study and posted for review a draft Mitigated Negative Declaration of Environmental Impact (SCH #2006082100). The mitigated negative declaration concludes that, with mitigation, no substantial adverse environmental impact would result from the proposed project.

4. The subject property has a general plan designation of Low Density Residential (RL) and a corresponding zone designation of One Family Residential (RS-6000).

5. The proposed project will create 56 residential one-family lots at a residential density of 5.6 dwelling units per net acre; which is consistent with the prescribed density range of 4.1-8 dwelling units per acre for the Residential Low Density general plan designation.

6. The project implements the goals and policies of the adopted General Plan and promotes stability of land use by creating one-family residential in-fill housing at a density consistent with the applicable Residential Low Density plan designation.

7. The project is the last phase of the Lundbar Hills/Lundbar Hills Southwood Subdivision and will add 56 new residences to the existing development. The arrangement of streets and residential structures fosters a harmonious, convenient, workable relationship between the new residences and the existing developed portion of the Lundbar Hills/Lundbar Hills Southwood Subdivision.

8. An update to the Lundbar Hills traffic study that was completed and updated for previous phases of the Lundbar Hills Southwood subdivision was completed by Walter B. Sweet, Civil Engineer, on July 13, 2005. The update concludes that the proposed subdivision will not add a level of traffic that exceeds the capacity of the presently developed street system. Therefore, the project will include safe and efficient traffic circulation.

9. The Institute of Transportation Engineers, Trip Generation Manual, 6<sup>th</sup> Edition, states that the average vehicle trip ends generated by a single-family detached home is 9.57. Assuming 229 lots within the Lundbar Hills subdivision, this equates to 2,192 trip ends per day where the design standard for average daily volume for Lundblade Drive is 12,000 vehicles. Therefore, even at full buildout, Lundblade Drive will be operating at about 20% capacity.

10. As the proposed project is developed, new sources of residential noise will be added to existing ambient noise. The noise levels will not exceed approximately 60 dB(A) Ldn at the edge of the property consistent with the adopted General Plan noise element. Therefore, permanent, but insignificant increases in ambient noise levels will occur as a result of the project.

11. For timber purposes, the subject property is relatively small in size. In addition, the topography of the parcel and the residential zoning of this and adjacent parcels cause the subject parcel to be not economically viable timber parcel.

12. The timber harvest will be conducted in compliance with a Timber Harvest Plan approved by the California Department of Forestry and Fire Protection. The Timber Harvest Plan is a functional equivalent of the California Environmental Quality

Act and includes provisions for the protection of the environment preceding, during and after timber operations.

13. On July 10, 2005, a biologist from Eel River Sciences conducted a preliminary resource review and on-site visit to determine the presence or absence of wetlands and site conditions. The area at the bottom of the drainage is scrub-shrub and emergent marsh wetland. No development is proposed in this area.

14. The area at the top of the drainage is highly disturbed, graded and filled and is not a jurisdictional wetland. The project proposes no development in the bottom of the drainage or down slope, and the project is confined to non-wetland and non-riparian areas. Therefore, there will be no impact on the wetland area at the bottom of the drainage and the development will preserve the natural beauty of hillsides and avoid slide and drainage problems by encouraging retention of natural vegetation and discouraging mass grading.

15. The project's proposed drainage improvements will enhance the existing surface water quality by filtering suspended sediments thereby increasing the viability of the wetlands located at the bottom of the drainage.

16. A Preliminary Drainage Study and Hydrology Report was prepared for the project by Forsyth Engineering dated July 2003. The report describes the proposed drainage facilities and concludes that these facilities will reduce potential drainage impacts to a less than significant level.

17. A Preliminary Engineering Report by SHN (2002) was prepared for the project. The report recommends a slope setback line to demark low-instability areas that can be developed utilizing typical Building Code foundation. Each proposed lot will have adequate space to develop a residence in the low instability area.

18. The City of Eureka Fire Marshall has specified certain fire suppression standards, which are included as conditions of approval, which will meet the fire safety requirements normally satisfied by the construction of a second emergency access route.

19. All lots created by the proposed subdivision will be served by City water and sewer. The City has provided the developer with a "Will Serve" letter stating that the City has adequate water supply and sewage disposal capability to serve the subdivision.

20. All lots, with the exception of Lot 170, meet the minimum development standards of the Residential One-Family (RS-6000) zone district. The development standards include a minimum lot size of 6,000 square feet of which at least 4,000 square feet must have slopes of less than 20%, and a minimum lot width of 60 feet and minimum lot depth of 100 feet.

21. Lot 170 will have a lot size of about 7,800 square feet, a lot width of about 100 feet and a lot depth of about 80 feet.

22. The purpose of the lot depth regulation is to assure adequate building area and to preserve a rear yard for the enjoyment of the residents of the property, and to further the purpose of providing adequate light, air, privacy, and open space for each dwelling. A 'standard' 60 foot x 100 foot lot has a residential buildable area of 3,000 square feet and a rear yard of 1,500 square feet, whereas, Lot 170 will have a residential buildable area of about 3,500 square feet and a rear yard of about 2,000 square feet.

Therefore, granting the requested variance would actually result in a buildable area and rear yard larger than would result from a strict or literal interpretation and enforcement of the lot depth regulation. Therefore, granting the variance would preserve the objectives and purpose of the lot depth regulation.

23. In 2001 and 2005, the City, granted variances to allow a reduced lot depth in approving subdivisions of property located in the RS-6000 zone district. Consequently, granting the requested variance would not be a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

24. As a condition of approval for Lundbar Hills Southwood Subdivision Unit 4, the Subdivider was required to dedicate to the City of Eureka a 1.26 acre park; the Subdivider actually dedicated a 1.4 acre park. The 1.4 acre park serves 111 lots, it purposefully satisfied the Park Land Dedication requirement for Unit 4, Unit 5 and the proposed Unit 6. Therefore, no additional park land must be dedicated for Unit 6.

25. Based on the discussion in the staff report and the attachments thereto, including the initial study, traffic study, biological investigation, drainage study, engineering report and other site investigations, the proposed vesting tentative map is consistent with the general plan; the site is physically suitable for the proposed density of development; the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; the design of the subdivision and the type of improvements is not likely to cause serious public health problems; the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision; the proposed subdivision does not result in the creation of a parcel or parcels totally within an environmentally sensitive habitat area or flood hazard area; and, parcels created by this subdivision have sufficient non-sensitive and non-hazard area to accommodate development allowed in the applicable land use category, but not allowed in a sensitive habitat or flood hazard area.

**WHEREAS**, in the opinion of the Planning Commission of the City of Eureka, said Lundbar Hills Subdivision, Unit No. 6 complies with the provisions of the Subdivision Map Act and Title 15 of the Eureka Municipal Code and all other applicable ordinances, laws and regulations, and

**WHEREAS**, the Planning Commission has determined that the following conditions should be included in the project approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final Map to satisfy this condition. The Engineering Department will administer this requirement.

2. The applicant shall submit to the Engineering Department three prints of a Final Map prepared by a Registered Civil engineer or Licensed Land Surveyor for approval by the City Engineer. The Final Map shall conform to all requirements of the Subdivision Map Act and local regulations enacted thereto. Copies of all reference materials used in the preparation of the Final Map shall also be submitted, including a title report(s) updated within the last six months, copies of deeds, surveys, and computer map checks, etc. Once approved by the City Engineer, the applicant shall submit the original signed Final Map for approval by the City Council and recordation along with one reproducible mylar, two prints, recording fees and proof of property taxes and/or special tax payments (see condition No. 1, above).

3. A graphical representation of all easement of record and easements being dedicated shall be shown on the Final Map.

4. All lot corners shall be monumented with durable pipe monuments properly tagged. All City street monuments on the fronting street(s) used to establish the City right-of-ways shall be field tied and shown on the Final Map together with any additional street monuments set for this subdivision, to the satisfaction of the City Engineer.

5. Within three days of approval of the subdivision, conditional use permit and variance, per Fish & Game Code § 753.5, the applicant shall submit to the Community Development Department the Fish and Game fees in the amount of \$1,850.00 payable to the County Recorder.

6. The applicant shall prepare to the satisfaction of the City an engineered Grading and Drainage plan for both on-site and off-site improvements. The engineered grading and drainage plan shall be reviewed for approval by the City Engineer, with all recommendations and conditions in the approved plan incorporated into project approval. The plan shall include, at a minimum, oil/water clarifiers for all drainage inlets, infiltration trenches, and stormwater runoff erosion control measures to be completed immediately upon soil disturbance activities.

7. The applicant shall prepare to the satisfaction of the City an Engineered Improvement Plan. The Engineered Improvement Plan shall be approved by the City Engineer, and all recommendations and conditions in the approved plan shall be incorporated into project approval. The plan shall include, at a minimum, sidewalks, curbs, pavement, signs, water, sewer, drainage improvements, ADA requirements, to the satisfaction of the City.

8. The applicant shall provide a "Phasing Plan Map", subject to City approval, that indicates the timely order of subdivision improvements as it relates to the recordation of the Final Map and lot development.

9. A public utility plan shall be prepared depicting the size, the horizontal and vertical alignment of all utilities and shall include the gravity sanitary sewer line improvements, including sanitary sewer manholes and cleanouts.

10. An analysis of the minimum *gpm* (gallons per minute) and *psi* (pounds per square inch) of water from the existing water tank shall be conducted to determine if it is adequate; if it is not, the subdivider shall install booster pump(s) as needed.

11. Prior to the approval of a Final Map, the applicant shall prepare a Development Plan, subject to City approval, that shall show or include, at a minimum, the following:

*Graphic Representation:*

- a. Slope setback lines and recommendations by SHN Engineers and Geologists (R-1 Preliminary Engineering Geologic and Geotechnical Investigation, August 2002), including designating where standard foundations are allowed;
- b. Location of approved yard setback lines;
- c. Location of the minimum 4000 s.f. net lot area
- d. All improvements and conditions in the approved engineered grading and drainage plan that may affect future owners;
- e. All improvements and conditions in the approved engineered improvement plan that may affect future owners;
- f. Location of mail boxes as approved by the USPS;
- g. The parking and no parking areas on Lundblade Drive, Dickson Drive, and Cathleen Court;

*Notes:*

- a. Each home shall have an NFPA 13D compliant automatic fire sprinkler system for the house and garage.
- b. All construction shall be provided with a Class A rated roof and roof assembly. This includes attached and detached accessory structures, regardless of whether a building permit is required or not.
- c. All construction shall have non-combustible siding. This includes attached and detached accessory structures, regardless of whether a building permit is required or not.
- d. Street addresses (house numbers) shall be conspicuously placed so as to be easily readable from the street.

12. The applicant shall cause to be prepared a Notice of Development Plan to be recorded for each resultant property.

13. Prior to recording of the subdivision map, and prior to the start of any subdivision construction, a Subdivision Improvements Agreement shall be executed between the City and the Subdivider.

14. The applicant shall enter into a Hold Harmless agreement with the City for maintenance of the oil/water clarifiers(s).

15. All activities of this project site shall comply with the recommendations of the Preliminary Drainage Study & Hydrology Report, Forsyth Engineering, July 2003.

16. All activities of this project site shall comply with the recommendation of the R-1 Preliminary Engineering Geologic and Geotechnical Investigation, SHN, August 2002.

17. All activities of this project site shall comply with the recommendations of the Wetland Investigation and Potential Impact Assessment on Lundbar Hills Subdivision, Eel River Sciences, July, 2005.

18. All activities of this project site shall comply with the recommendations of the Traffic Study for Lundbar Hills Southwood Subdivision, Unit 6, WB Sweet, January 2006.

19. The applicant shall comply with the Mitigation Measures, Monitoring, and Reporting Program (MMRP).

20. All streets shall be dedicated to the City of Eureka for public street and utility purposes and all purposes incidental thereto. Additional public utility easements shall be dedicated to the City of Eureka as necessary to provide public facilities for all lots and to provide drainage from all lots. A ten foot wide public utility and pedestrian easement (10' PUE) shall be dedicated on the Final Map. The 10' PUE shall be over the front portion of all lots fronting on a street. This condition shall be completed to the satisfaction of the City Engineer and PG&E.

21. All streets, appurtenances, and public utilities shall be constructed by the Subdivider in accordance with Improvement Plans prepared by a Register Civil Engineer and shall depict all grades, alignment, materials, and necessary details as approved by the City Engineer.

22. The minimum right-of-way width of Lundblade Drive shall be sixty-two (62) feet, with fifty (50) feet curb to curb; and shall include six (6) foot sidewalks on each side of Lundblade Drive. Lundblade Drive shall have a minimum structural section of 0.3 foot Type B asphaltic concrete (1/2" size) over 0.83 foot Class 2 aggregate base (3/4" size). Painted centerline and reflectorized raised pavement markers shall be placed by the Subdivider along Lundblade Drive in compliance with the standards outlined in the State of California Traffic Manual.

23. The Subdivider shall install stop signs, and appropriate pavement markings on Dickson Drive and Cathleen Court to the satisfaction of the City Engineer.

24. Dickson Drive and Cathleen Court shall have street right-of-way widths of fifty (50) feet with thirty-eight (38) feet from curb to curb; and shall include a five (5) foot concrete sidewalk on each side within a six (6) foot sidewalk area. Dickson Drive and Cathleen Court shall have a minimum structural section of 0.3 foot Type B asphaltic concrete (1/2" size) over 0.7 foot Class 2 aggregate base (3/4" size).

25. Pedestrian access will be designed in such a manner to meet ADA requirements.

26. The applicant shall create a homeowners association for the maintenance and repair of the detention basin and appurtenant facilities.

27. A twelve (12) inch water main extension along Lundblade Drive terminating with a 12-inch gate valve at the southerly boundary of Unit 6; an eight (8)

inch water main extension along Dickson Drive and a six (6) inch water main along Cathleen Court to the satisfaction of the City Engineer.

28. Every other lot line as shown on the Tentative Map shall be clear for joint utility serviced (e.g., gas, electric, telephone and cable TV, alternate lanes for water and sewer).

29. Number 10 bare copper tracer wires shall be installed on all water and sewer mains and services.

30. Prior to any lot connections to the public sewer system (lateral to be installed by the Subdivider), the capital connection fee shall be paid to the City.

31. Fire hydrants as specified by the Fire Marshall shall be installed.

32. Prior to any lot connections to the public water system (service to be installed by the Subdivider), the water meter installation fee shall be paid to the City.

33. A street lighting, street signing and pavement marking plan shall be provided by the Subdivider and approved by the City Engineer. The street lighting plan shall also be approved by PG&E.

34. To mitigate potential impacts to water quality and waste discharge requirements to less than a significant effect, applicant shall secure a Storm Water and Pollution Prevention Plan (SWPPP), prior to the commencement of any construction activities. The applicant shall provide a copy to the City Community Development Department.

35. Lot 179 will be designed and graded to remedy surface runoff onto neighboring parcel 301-281-043. All other lots will also be designed and graded to remedy surface runoff onto neighboring parcels.

36. All phases of construction shall be subject to inspection by the City of Eureka and paid for by the Subdivider.

37. Street addresses (house numbers) shall be conspicuously placed so as to be easily readable from the street.

38. Street name signs with hundred-block numbers shall be installed by the Subdivider per City standards at the intersections of Lundblade Drive with Dickson Drive and with Cathleen Court.

39. After the timber harvest, a temporary drainage ditch shall be installed behind 5110 Lundblade Drive (APN 301-281-043) to the satisfaction of the City.

MITIGATION MEASURE NO. 1. Any exterior lighting, other than street lights on public roads, shall be low, fully shielded, directional lighting that will focus light on the project parcel, and specifically away from the adjacent gulch greenway, neighboring residences, and roadways, to minimize off-site light and glare effects to the satisfaction of the City of Eureka.

MITIGATION MEASURE NO. 2. The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the North Coast Unified Air Quality Management District (NCUAQMD). This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give



rise to airborne dust; and (2) the use of water or chemicals for control of dust in the demolition or construction operations, the grading of roads or the clearing of land. Burning will be done at times when winds will carry smoke away from residences and are consistent with the NCUAQMD guidelines. Brush and slash should be chipped for spreading on-site or removal.

MITIGATION MEASURE NO. 3. No disturbance to wetland areas at the bottom of the drainage shall occur.

MITIGATION MEASURE NO. 4. Construction of the Lundblade Drive extension road and detention facility will include sediment control measures (rock energy dissipaters, rock check dams, etc.) that will provide a more stable and functioning gulch and ensure protection from sedimentation to downstream wetlands.

MITIGATION MEASURE NO. 5. If any area of cultural deposits is discovered during the course of the project, as required by law, all work shall cease and a qualified cultural resources specialist shall be contacted to analyze the significance of the find and formulate further mitigation (e.g. project relocation, excavation plan, protective cover). And, pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

MITIGATION MEASURE. NO. 6. All activities of this project site shall comply with the recommendation of the Preliminary Engineering Geologic and Geotechnical Investigation report prepared by SHN Consulting Engineers and Geologists, Inc, August 2002. These include activities associated with: (1) site preparation and grading, (2) structural foundations, (3) slabs-on-grade, (4) retaining walls, (5) sub-drains, and (6) drainage and erosion. If a new or revised Engineering Geologic and Geotechnical Investigation report is prepared, the recommendations of the new or revised report shall be followed. This mitigation measure shall be completed to the satisfaction of the City.

MITIGATION MEASURE NO. 7. During project construction, if there is any evidence that indicates contaminated soils are present on the site, either from visual observations or odors indicative of regulated substances, the applicant shall be responsible for performing soil sample analyses. The findings of the survey shall be submitted, as applicable, to the Regional Water Board (RWQCB) and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, DTSC, and other agencies with regard to the handling, transport, and disposal of hazardous materials such as contaminated soils to the satisfaction of the applicable agencies.

MITIGATION MEASURE NO. 8. To mitigate potential impacts to water quality and waste discharge requirements to less than a significant effect, applicant shall secure a Storm Water and Pollution Prevention Plan (SWPPP), prior to the commencement of any construction activities. The applicant shall provide a copy to the City Community Development Department.

MITIGATION MEASURE NO. 9. To mitigate the potential for storm water to carry additional pollutants from the project site, good housekeeping including maintenance and cleaning of the construction staging area(s) shall be on a regular basis. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction

operations shall be allowed to enter or be placed where it can enter the Martin Slough. All erosion control measures and handling of petroleum products will be followed as specified in the SWPPP. Best Management Practices (BMP)'s will be implemented during all phases of construction.

MITIGATION MEASURE NO. 10. Hours of construction activities shall be limited to daylight hours, generally from 8:00 a.m. to 5:00 p.m., Monday through Saturday. The hours of construction may be allowed to be increased with prior approval from the City Community Development Director based on an expressed need by the contractor.

MITIGATION MEASURE NO. 11. Installation of waterlines to the south property line sized to provide for services for the future extension of Lundblade Drive shall be constructed to the satisfaction of the City.

MITIGATION MEASURE NO. 12. Continuation of Lundblade Drive to the south property line, constructed at the same width as previous units of Lundbar Hills shall be constructed.

MITIGATION MEASURE NO. 13. Fire hydrants as specified by the Fire Marshall shall be installed.

MITIGATION MEASURE NO. 14. Each home shall have an NFPA 13D compliant automatic fire sprinkler system for the house and garage, installed to the satisfaction of the City Fire Department.

MITIGATION MEASURE NO. 15. All construction will be provided with a Class A rated roof and roof assembly.

MITIGATION MEASURE NO. 16. All construction shall have non-combustible siding.

MITIGATION MEASURE NO. 17. Stop signs shall be installed for local streets at intersections with Lundblade Drive. Right-of-way for the new segment of Lundblade Drive shall be 62 feet, and rights-of-way for new local streets shall be 50 feet. Right-of-way for Lundblade Drive shall extend to the easterly limit of Unit 6.

MITIGATION MEASURE NO. 18. The applicant shall assure that no construction materials, debris, or waste be placed or stored where it may be subject to erosion and dispersion; Any and all debris resulting from construction activities shall be immediately removed following completion of construction; concrete trucks and tools used for construction be rinsed at the specified wash-out area(s); and staging and storage of construction machinery and storage of debris on any public street rights-of-way will require an encroachment permit.

MITIGATION MEASURE NO. 19. For potable water supply, if needed, the applicant will either add an additional booster pump or up-size the existing one in order to provide the minimum *gpm* and *psi* to the new lots to the satisfaction of the City Public Works and Engineering Departments.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Eureka does hereby approve the Lundbar Hills Subdivision, Unit No. 6, including

the conditional use permit for timber harvest and variance to allow a reduced lot depth for Lot 170, submitted by Fred H. Lundblade, Jr, and C. Robert & Patricia B. Barnum subject to the conditions listed above.

**THE FOREGOING RESOLUTION** was passed, approved and adopted by the Planning Commission of the City of Eureka, County of Humboldt, State of California, on the Eighth day of January, 2007, by the following vote:

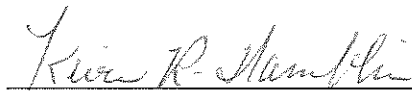
AYES: COMMISSIONERS: KUHNEL, EAGAN, KESSLER  
NOES: COMMISSIONERS: SERVICE  
ABSENT: COMMISSIONERS: AVIS  
ABSTAIN: COMMISSIONERS: NONE



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Ron Kuhnel  
Chairman, Eureka City Planning Commission

ATTEST:



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Kevin R. Hamblin, AICP  
Director of Community Development  
Executive Secretary of the Eureka City Planning Commission